

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRE STEADMAN,

Petitioner,

-v-

No. 05 Civ. 4983 (LTS)(HBP)

SUPERINTENDENT MR. J. BURGE,

Respondent.

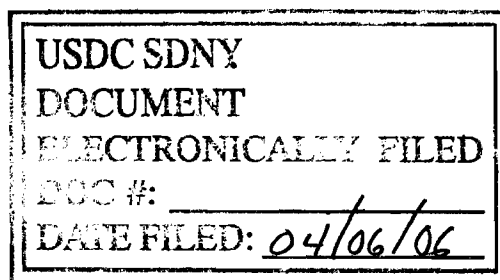
LAURA TAYLOR SWAIN, UNITED STATES DISTRICT JUDGE

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Pitman's March 1, 2006, Report and Recommendation (the "Report"), which recommends that petitioner Andre Steadman's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, be denied. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).


The Court has reviewed carefully Magistrate Judge Pitman's thorough Report and Recommendation and finds no clear error. The Court therefore adopts the Report for the reasons stated therein. Accordingly, the petition is denied.



The Court adopts Judge Pitman's conclusion that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability should not be issued. See 28 U.S.C. § 2253; Middleton v. Attorneys General of States of N.Y. & Pa. 396 F.3d 207, 209 (2d Cir. 2005) (per curiam). The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

IT IS SO ORDERED.

Dated: New York, New York
April 5, 2006



LAURA TAYLOR SWAIN
United States District Judge